

THE HONORABLE JOHN H. CHUN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

CASE NO.: 2:23-cv-01495-JHC

**DECLARATION OF
THOMAS J. MILLER IN
SUPPORT OF LCR 37 JOINT
MOTION REGARDING
REMOTE DEPOSITIONS**

I, Thomas J. Miller, declare as follows:

1. I am an Attorney in the Federal Trade Commission's ("FTC") Bureau of Competition, and I represent the FTC in the above-captioned action. I am over eighteen years of age and am competent to testify to the matters set forth in this declaration. I make the following statements based on my personal knowledge.

2. I certify that Plaintiffs conferred in good faith with counsel for Amazon in an effort to resolve the parties' dispute without Court action, as discussed in greater detail below. The parties have reached an impasse.

1 3. Counsel for Plaintiffs and counsel for Amazon have met and conferred, both by
2 letter exchanges and through a telephonic meet and confer, regarding Plaintiffs' proposed remote
3 deposition protocol.

4 4. The written exchanges and telephonic meet and confer related to the remote
5 deposition protocol occurred on the following dates: September 19, 2024; September 23, 2024;
6 September 30, 2024; October 1, 2024; October 7, 2024; and October 11, 2024.

7 5. During the telephonic meet and confer on the remote deposition protocol on
8 October 1, 2024, the FTC was represented by Edward H. Takashima, Colin Herd, and Thomas J.
9 Miller; and Amazon was represented by Kevin Hodges and Andrew Lemens, among others.

10 6. Attached as **Exhibit A** is Plaintiffs' Proposed Order Regarding Remote
11 Depositions.

12 7. Attached as **Exhibit B** is a true and correct copy of Amazon's Proposed Order
13 Regarding Remote Depositions, which Amazon's counsel provided to Plaintiffs' counsel on
14 October 22, 2024 for submission with this joint motion.

15 8. Attached as **Exhibit C** is a redline comparison between Plaintiffs' proposal (Exhibit
16 A) and Amazon's proposal (Exhibit B).

17 9. Attached as **Exhibit D** is a true and correct copy of a September 30, 2024 email
18 from Andrew Lemens, counsel for Amazon, to Edward H. Takashima, counsel for the FTC.
19 Exhibit D does not include the attachments to the email.

20 10. I understand from attorneys representing the Federal Trade Commission in *FTC v.*
21 *Amazon.com, et al.*, No. 2:23-cv-0932-JHC (W.D. Wash.) that only six third-party witnesses (other
22 than former Amazon employees) have been noticed for depositions in that case. I also understand
23 that Amazon has noticed the depositions of those witnesses as remote depositions.

1 I declare under penalty of perjury that the foregoing is true and correct.

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3 Executed on October 25, 2024, in Philadelphia, PA.

4 s/ Thomas J. Miller
5 Thomas J. Miller
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